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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/558,313 | 04/25/2000 | Amit D. Agarwal | 23984-13939 US | 9641 |

758 7590 05/04/2009
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| EXAMINER |
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BUCHANAN, CHRISTOPHER R

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| ART UNIT | PAPER NUMBER |
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05/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: AMIT D. AGARWAL

Application 09/558,313
Technology Center 3600

Mailed: May 4, 2009

Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on March 28, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

PRIOR ORDER FOR RETURN

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on December 1, 2008 wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The matters still requiring attention prior to docketing are identified below.

AMENDMENT AFTER FINAL

A review of the file indicates that on December 10, 2007, Appellant filed an Amendment After Final in response to the Non-Final Rejection mailed December 29, 2005. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed. Clarification from the Examiner is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- (1) appropriately respond to the Amendment After Final;
- (2) vacate the Examiner’s Answer mailed December 1, 2008;
- (3) provide a new Examiner’s Answer including a correct “Status of Amendments” section in addition to correction to other sections as required;

Application No. 10/908,445

and

(4) take such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWH/tkl

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